

10/541350

Express Mail Label No. EV645913812US

PATENT

JC20 Rec'd PCT/PTO 05 JUL 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Erich Becker

Application No.: Not Yet Known

Filed: Not Yet Known

For: DIAPHRAGM PUMP

Group: Not Yet Known

Examiner: Not Yet Known

Our File: SMB-PT147

(PC 04 021 B US)

Date: July 5, 2005

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to Applicant's Duty of Disclosure pursuant to 37 C.F.R. §1.56, Applicant wishes to bring to the Examiner's attention the material cited on the enclosed PTO-1449 form. Copies of the cited documents are enclosed.

Pursuant to 37 C.F.R. §1.98(a)(2)(ii), copies of the cited U.S. publications and/or patent documents have not been included.

The references cited in this Information Disclosure Statement were either listed in an International Search Report in the corresponding International Application or cited in the German Examination Report from the original priority application, copies

enclosed. The non-English language document cited in the International Search Report, WO/0049293, corresponds to U.S. Patent 6,655,257.

With respect to the documents cited in the German Examination Report, DE 195 10 828 C2 is cited as disclosing the items noted in the preamble of claim 1, and as also having two ring zones where the membrane is deformable. It is indicated in the Examination Report that the area between the ring zones is generally (based on the stabilizing projections) not deformable (referring particularly to Figures 5-7 with the projection 40). Additionally, the second reference, which is actually EP 12 19 833, is cited as disclosing all of the characteristics of claim 1 from the German Priority Application, including the membrane against the pump chamber wall in the top dead center position and the deformable ring zones, with a non-deformable membrane area therebetween. Based on the references, original claim 1 of the German Priority Application was found to lack novelty and was not patentable. The features of claims 2, 4, and 7 were indicated as being in reference DE 195 10 828 C2. The features of claim 3, 5, and 6 were found to be within the purview of a person of ordinary skill in the art. Accordingly, no patent grant was foreseen in the first Examination Report by the German Patent Office.

U.S. Patent 5,699,717 was submitted as equivalent to DE 195 10 828.

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Applicant: Erich Becker

Application No.: Not Yet Known

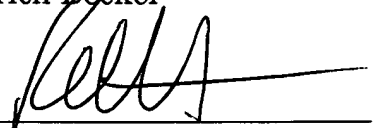
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It is respectfully requested that the Examiner consider these documents and return an initialed copy of the PTO-1449 form indicating his consideration of the cited materials.

Respectfully submitted,

Erich Becker

By


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RJH/dmm
Enclosures

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Sheet 1 of 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY. DOCKET NO. SMB-PT147		SERIAL NO. 10/541350 <small>Not Yet Known</small>	
				APPLICANT Erich Becker			
				FILING DATE Not Yet Known		GROUP Not Yet Known	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3,947,156	03/1976	Erich Becker			
	AB	5,349,896	09/1994	Delaney, III et al.			
	AC	5,564,911	10/1996	Joseph L. Santa			
	AD	5,699,717	12/1997	Heinz Riedlinger			
	AE	6,655,257	12/2003	André Meyer			

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AF	198 34 468	02/2000	Germany			*	
	AG	1 219 833	07/2002	Europe			*	
				*= Abstract only				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.